

**INDIANA BOARD OF PODIATRIC MEDICINE
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
CONFERENCE CENTER ROOM 5
INDIANAPOLIS, INDIANA 46204**

MINUTES OF OCTOBER 10, 2019

Vincent Coda, D.P.M., Chairman, called the meeting to order at 10:00 a.m. and declared a quorum in accordance with IC § 25-29-2-5.

Members Present: Vincent Coda, D.P.M., Chairman
Lisa Lanham, D.P.M., Vice Chairman
Therese Eutsler, P.T.
William Oliver, D.P.M., in at 10:11 a.m.

Members Absent: Jane Koch, D.P.M.

Staff Present: Darren Covington, Board Director
Professional Licensing Agency

Kimberly Letko, Assistant Board Director
Professional Licensing Agency

Jodi Stein, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda.

Participating Board Members: Vincent Coda, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

Eutsler/ Lanham, 3/0/0
Ayes: Eutsler, Coda, Lanham
Motion carries

The Board voted to adopt the May 3, 2018 minutes.

Participating Board Members: Vincent Coda, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

Eutsler/ Lanham, 3/0/0
Ayes: Eutsler, Coda, Lanham
Motion carries

PERSONAL APPEARANCES

James Hilaire, D.P.M., License No. 07000773A – Positive response on renewal

Participating Board Members: Vincent Coda, D.P.M., William Oliver, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

Dr. Hilaire answered yes to the following questions on his reinstatement renewal application:

"Since you last renewed, have you been denied or surrendered a license, certificate, registration, or permit in any state or U.S. territory?"

"Since you last renewed, have you had a malpractice judgement against you or settled any malpractice action?"

Dr. Hilaire's Indiana CSR was denied for reinstatement on November 1, 2018. He also surrendered his DEA registration in 2014, due to issues with dispensing opioids.

Dr. Hilaire presented the following information to the Board for review:

1. Proof of 28.25 hours of completed continuing education
2. Vigo Superior Court Order
3. Vigo County Court Conditions of Probation
4. Vigo County Court Motion to Terminate Formal Probation and to Place Probationer on Informal Probation
5. U.S. Patent for Dr. Hilaire's Planar Fascia Strap
6. Pictures of patient foot and Planar Fascia Strap
7. Various pictures of foot procedures

Dr. Hilaire had two malpractice cases since he last renewed.

After discussion the Board moved to REINSTATE Dr. Hilaire's LICENSE on PROBATION for no less than TWO YEARS with terms and conditions.

Oliver/Lanham, 4/0/0
Ayes: Eutsler, Coda, Lanham, Oliver
Motion carries

Julie Wieger, D.P.M., License No. 07000810A – Positive response on renewal

Participating Board Members: Vincent Coda, D.P.M., William Oliver, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

Dr. Wieger appeared with counsel, John Twohy.

Dr. Wieger answered yes to the following question on her reinstatement renewal application:

“Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation or other type of discipline or have you resigned in lieu of discipline or termination? “

Memorial Hospital of South Bend amended Dr. Wieger’s podiatry privileges to include prospective review of any amputations she proposes to perform at the hospital for a period of two (2) years, due to a patient’s complaint.

After discussion the Board moved to REINSTATE Dr. Wieger’s license.

Oliver/Eutsler, 4/0/0
Ayes: Eutsler, Coda, Lanham, Oliver
Motion carries

Edward Lebrija, D.P.M., License No. 07001260A – Positive response on renewal

Participating Board Members: Vincent Coda, D.P.M., William Oliver, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

Dr. Lebrija answered yes to the following question on his renewal application:

“Since you last renewed, have you had a malpractice judgment against you or settled any malpractice action?”

Dr. Lebrija has had two malpractice cases since obtaining his license in 2017.

The two cases involved issues with total ankle replacements using star implants. Dr. Lebrija no longer uses star implants.

After discussion, the Board moved to RENEW Dr. Lebrija’s LICENSE.

Oliver/Eutsler, 4/0/0
Ayes: Eutsler, Coda, Lanham, Oliver
Motion carries

ADMINISTRATIVE HEARINGS

Frederick Fedorchak, D.P.M., License No. 07000528A – 2016 BPM 0002

Respondent appeared in person without counsel regarding an Petition to Withdraw Probation scheduled before Board. The State of Indiana was represented by Patricia Gibson and the court reporter sworn in for this matter was Lindy Meyer of Accurate Reporting of Indiana.

Participating Board Members: Vincent Coda, D.P.M., William Oliver, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

A three (3) year probation was placed on Respondent by the Board in November of 2016 due to controlled substance prescribing practices. Respondent states that he has met all terms and conditions and is requesting that the probation be withdrawn.

Respondent admitted the following exhibits into evidence:

Exhibit 1: Letter from Kathy Bettinardi-Angres APN, MS, RN, CADC, Director of Multidisciplinary Assessments, Positive Sobriety Institute.

After discussion, the Board moved to WITHDRAW Respondent's PROBATION.

Lanham/Eutsler, 4/0/0
Ayes: Eutsler, Coda, Lanham, Oliver
Motion carries

David Roy Reynolds, D.P.M., License No. 07001161A – 2018 BPM 0005

Jane Ann Koch, D.P.M., License No. 07000732A – 2018 BPM 0004

Respondents appeared in person with counsel, K. Michael Gaerte and Karl Mulvaney regarding a Disciplinary Hearing & Decision on Renewal Application scheduled before the Board. The State of Indiana was represented by Patricia Gibson and the court reporter sworn in for this matter was Lindy Meyer of Accurate Reporting of Indiana.

Participating Board Members: Vincent Coda, D.P.M., William Oliver, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

In September of 2017 Respondents administered cortisone shots to patients that became infected. In November of 2017 Respondents worked with ISDH to adopt new policies regarding infection control and sanitary work spaces.

Both parties have agreed to a settlement which will issue a reprimand and impose a \$10,000.00 fine to be paid within a year of the date of service of the order.

Respondent's Exhibits:

Exhibit 1: Respondent's universal precautions and new policies and procedures

Exhibit 2: Results of Audits of All Logs for Dr. Koch

After discussion, the Board moved to ACCEPT the SETTLEMENT AGREEMENT and RENEW Respondents' licenses.

Oliver/Eutsler, 4/0/0
Ayes: Eutsler, Coda, Lanham, Oliver
Motion carries

Russell Harms, D.P.M., License No. 07001065A – 2019 BPM 0002

Respondent failed to appear in person and without counsel regarding a Petition for Summary Suspension scheduled before Board. The State of Indiana was represented by Patricia Gibson and the court reporter sworn in for this matter was Lindy Meyer of Accurate Reporting of Indiana.

Participating Board Members: Vincent Coda, D.P.M., William Oliver, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

Respondent's license was reinstated on probation in 2018. Order to show cause was issued in 2018 due to a relapse. Respondent is currently in jail.

State's Exhibits:

- A: Affidavit of Complainant regarding the conduct of Respondent
- B: Certified criminal records from Village of Buffalo Grove
- C: Clay Superior Court Criminal records of Respondent
- D: Respondent's MyCase summary
- E: National Drug Institute article regarding over-the-counter medicines
- F: Affidavit of Complainant regarding the conduct of Respondent

After discussion, the Board moved to Summarily Suspend Respondent's license.

Lanham/Eutsler, 4/0/0
Ayes: Eutsler, Coda, Lanham, Oliver
Motion carries

DISCUSSION

Participating Board Members: Vincent Coda, D.P.M., Jane Koch, D.P.M., William Oliver, D.P.M., Lisa Lanham, D.P.M., Therese Eutsler, P.T.

Proposed Online Continuing Education Rule

The Board moved to adopt the final version of the rule which limits podiatrists' required 30 hours of CME to only 50 percent of those hours being online courses or distance learning courses.

Oliver/Lanham, 4/0/0
Ayes: Coda, Oliver, Lanham, Eutsler
Motion carries

2019 Continuing Education Audit

The Board discussed the details of the upcoming Continuing Education Audit. Podiatrists are required to complete thirty (30) continuing education credits every two years, or fifteen (15) continuing education credits per year. The audit period will be from July 1, 2017 through June 30, 2019.

After discussion, the Board moved to set the percentage of Podiatrists randomly audited to ten (10%) percent; allow the PLA staff permission to issue a Notice of Non-Compliance to all non-compliant auditees; to set the Civil Penalty to thirty-three dollars and thirty-three cents (\$33.33) per missing credit hour; direct non-compliant auditees to make up missing continuing education credits within six (6) months from the date of the notice of non-compliance; and pay the civil penalty within 21 days of the notice of non-compliance; and direct PLA staff to issue notices of immediate suspension to those who failed to pay the penalty and/or complete the additional hours.

Oliver/Lanham, 4/0/0
Ayes: Coda, Oliver, Lanham, Eutsler
Motion carries

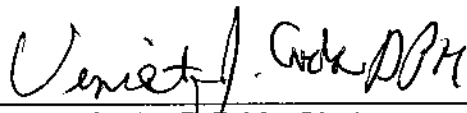
Emergency Rule Regarding Convictions of Concern

After discussion, the Board moved to adopt the emergency rule.

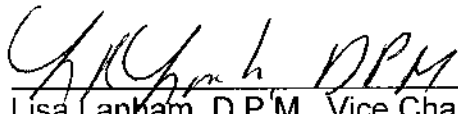
Oliver/Eutsler, 4/0/0
Ayes: Coda, Oliver, Lanham, Eutsler
Motion carries

The next meeting will be held on December 6, 2019 at 10:00 a.m.

There being no further business, the meeting adjourned at 12:40 p.m.



Vincent Coda, D.P.M., Chairman



Lisa Lanham, D.P.M., Vice Chairman